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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/603,495

06/25/2003

Thomas E. Creamer

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EXAMINER

NEWAY, SAMUEL G

ART UNIT

PAPER NUMBER

2626

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/603,495

**Applicant(s)**

CREAMER ET AL.

**Examiner**

Samuel G. Neway

**Art Unit**

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/06/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the Application filed on June 25, 2003.

#### ***Specification***

2. The abstract of the disclosure is objected to because, in lines 2 – 3, the “text-to-speech converter” should read the “speech-to-text converter”. Correction is required.
3. The disclosure is objected to because of the following informalities:
- in [0007], the “text-to-speech converter” should read the “speech-to-text converter”,
- in [0020] “the voice signature 18” is believed to be a typographical error.
- Appropriate correction is required.

#### ***Claim Objections***

4. Claim 11 is objected to because of the following informalities: in line 3, the “text-to-speech converter” should read the “speech-to-text converter”.
- Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 – 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jong (USPN 6,173,250).

Claim 1:

Jong discloses a method of voice-to-text reduction for real-time messaging (Abstract), comprising the steps of:

- receiving a speech input at a calling party ("receiving audio input signals from the user", col. 3, lines 13-20);

- transcribing the speech input to a text message ("converting them into textual representations", col. 3, lines 13-20);

- transmitting the text message as a text stream to a called party ("textual representations are the sent to the subscriber terminal", col. 3, lines 13-20);

- receiving a text message from the called party as a text stream ("communication is achieved by the sending of continuous streams of text data", col. 3, lines 20-24);

- and rendering the text stream at the called party and the calling party substantially in real-time ("realtime communication is achieved", col. 3, lines 20-24).

Claim 2:

Jong discloses the method of claim 1, wherein the method further comprises the step of sending a voice signature of the calling party to the called party ("a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 3:

Jong discloses the method of claim 1, wherein the method further comprises the step of maintaining a voice signature repository of the calling party for access by a called party of a voice signature of the calling party when receiving a call from the calling party ("a speech pattern of the party actually sending the text data may be stored

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in the speech pattern database ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 4:

Jong discloses the method of claim 1, wherein the step of rendering comprises the step of converting the text message at the called party to a speech output by using text-to-speech conversion ("the text data ... may be forwarded to the text to speech conversion device... where the text data is converted", col. 5, lines 25-30).

Claim 5:

Jong discloses the method of claim 2, wherein the step of rendering comprises the step of converting the text message at the called party to a speech output by using text-to-speech conversion in conjunction with the voice signature of the calling party ("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern ", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 6:

Jong discloses the method of claim 1, wherein the method further comprises the step of translating the text message to another language to provide a translated text message ("the language translator 900 performs language translation", col. 9, lines 14-19).

Claim 7:

Jong discloses the method of claim 6, wherein the step of transmitting comprises the step of transmitting the translated text message ("the speech recognition device 203 outputs text data in a selected language", col. 8, lines 61-64).

Claim 8:

Jong discloses the method of claim 6, wherein the step of translating the text message occurs in at least one location selected among the calling party, the called party, and a server on a network coupled between the calling party and the called party ("the speech recognition device 203 further includes a language translator 900", col. 8, lines 66-67, FIG. 9).

Claim 9:

The method of claim 2, wherein the step of rendering comprises the step of converting the text message at the called party to a speech output by using text-to-speech synthesis in conjunction with the voice signature of the calling party ("the text to speech converter 407 converts the text data into speech output signals using synthesized speech pattern ", col. 6, lines 13-16, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 10:

Jong discloses the method of claim 1, wherein the step of rendering comprises the step of displaying the text message in at least one location selected among the called party and the calling party ("the text data can be displayed", col. 5, lines 24-30).

Claim 11:

Jong disclose a system for voice-to-text reduction for real-time messaging

(Abstract), comprising:

a microphone for receiving a calling party's speech input (FIG. 2, item 212, and related text);

a speech-to-text converter for converting the calling party's speech input to a text message (FIG. 2, item 203, and related text);

a transmitter for transmitting the text message as a text stream to a called party (FIG. 2, item 205, and related text);

a receiver for receiving another text message from the called party (FIG. 2, item 205, and related text);

and a rendering device for rendering text messages substantially in real-time (FIG. 2, item 204, and related text).

Claim 12:

Jong discloses the system of claim 11, wherein the system further comprises a translator for translating the text message into another language (FIG. 9, item 900, and related text).

Claim 13:

Jong discloses the system of claim 11, wherein the system further comprises a text-to-speech synthesizer and the rendering device comprises a speaker for providing an audible output of the received text message from the called party (FIG. 2, items 206, 211, and related text).

Claim 14:

Jong discloses the system of claim 13, wherein the text-to-speech synthesizer uses a voice signature of the called party in producing the audible output (FIG. 4, item 406, and related text, "a speech pattern of the party actually sending the text data may be stored ... in order to obtain a synthesized speech output", col. 6, lines 28-31).

Claim 15:

Jong disclose the system of claim 11, wherein the rendering device comprises a display for displaying at least one among the text message from the calling party and the text message from the called party (FIG. 2, item 204, and related text).

Claim 16:

Jong discloses the system of claim 11, wherein the text streams are received and transmitted over an instant messaging/chat system ("one type of communication generally used by the subscriber terminals 100 and 110 is chat", col. 4, lines 57-63).

Claim 17:

Jong discloses the system of claim 11, wherein the text streams are received and transmitted over a messaging system using data transmission protocols ("set up communications protocols ... to initiate the communications process", col. 4, lines 25-31).

Claim 18:

Jong discloses the system of claim 11, wherein the system further comprises a voice profile for converting text messages into alternate text messages as defined by a user such as the calling party or called party ("translates the text data into text data of the selected language", col. 9, lines 14-19).



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Claim 19:

Claim 19 is similar in scope and content to claim 1 and; therefore claim 19 is rejected under the same rationale.

Claim 20:

Claim 20 is similar in scope and content to claim 5 and; therefore claim 20 is rejected under the same rationale.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nelson (US PGPub 2003/0097262) discloses a handheld communicating device with text-to-speech and speech-to-text capabilities.

Saindon et al. (USPN 6,820,055) discloses systems and methods for converting speech to text and transferring the text to a user.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel G. Neway whose telephone number is 571-270-1058. The examiner can normally be reached on Monday - Friday 8:30AM - 5:30PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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